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Via Email

Hon. Philip M. Halpern
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Application granted, however the Court cannot accommodate the dates requested by counsel. Accordingly, sentencing is adjourned to January 17, 2024 at 3:30 p.m. Defendant's sentencing submission is due by 12/27/2023 and the Government's submission is due by 1/3/2024.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
August 16, 2023

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Re: *United States v. Elizier Scher*, 22-cr-320

Dear Judge Halpern:

We write to respectfully request an adjournment of Mr. Scher's sentencing date from September 14 to a date convenient to Your Honor in late October or early November, preferably the week of October 30.

As Your Honor knows, Mr. Scher pleaded guilty to fraudulently obtaining approximately \$1.6 million in EIDL loans. Mr. Scher used the proceeds of those loans to purchase real estate and has been selling many of those properties to pay back the EIDL loans. To date, Mr. Scher has sold properties sufficient to pay back approximately \$1.2 million of those loans. In addition, last week, Mr. Scher signed a contract, scheduled to close within sixty days, to sell an additional property that will allow him to pay back the remaining outstanding balance of the EIDL loans. An adjournment of Mr. Scher's sentencing would allow sufficient time for this final sale to close, which will ensure that all EIDL loans are paid back in full.

We also request the adjournment to allow counsel sufficient time to finalize, as part of the sentencing submission, Mr. Scher's sentencing letters and a video. Finally, sentencing is currently scheduled for the day before *Rosh Hashana* (the Jewish New Year), which is a difficult time for Mr. Scher, family members, and counsel to appear for sentencing.

For all these reasons, we respectfully request an adjournment of Mr. Scher's sentencing to a date convenient to Your Honor in late October (after the final property sale is scheduled to close) and before November 9 (when one of Mr. Scher's counsel is leaving for a multi-week vacation), other than November 7, when counsel has a sentencing for a different client in the District of Connecticut.

We have spoken to AUSA James McMahon and he consents to this request. The Court previously granted one other adjournment of Mr. Scher's sentencing date. This will be Mr. Scher's last request for an adjournment.

Necheles Law, LLP

Respectfully submitted,

/s/

Gedalia Stern

Cc: AUSA James McMahon (via ECF)